

AMENDED IN SENATE JULY 9, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1302

Introduced by Assembly Member Simitian

February 21, 2003

An act to add Section 1808.11 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1302, as amended, Simitian. Vehicles: traffic violations: confidentiality.

Existing law authorizes a court to order a person to attend traffic violator school or any other court-supervised program of traffic safety instruction in lieu of adjudicating certain violations of the Vehicle Code. The record of the Department of Motor Vehicles relating to the dismissal of a violation under these circumstances is confidential.

Existing law assigns violation points for convictions of specified traffic offenses and for specified accidents.

This bill would require the department to keep confidential all information regarding a conviction of an offense in ~~a another state, territory, or possession of the United States, or the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada~~ that, if committed in this state, would be a violation of the Vehicle Code, if the person provides proof of successful completion of a course of instruction at a licensed traffic violator school that is satisfactory to the department, or a court-supervised program of traffic safety instruction,

and (1) has not, within 18 months, attended a traffic violator school *in any state* or a court-supervised program of traffic safety instruction in lieu of adjudication of a violation of the code or of an out-of-state provision that, if committed in this state, would be a violation of the code, other than for the ~~violation~~ conviction for which the applicant is seeking confidentiality; (2) does not apply for confidentiality for ~~certain, listed crimes; and~~ *an offense that, if committed in this state, would be given more than a value of one point or that is an offense for which a court in this state could not permit the person to take traffic safety instruction in lieu of adjudication*; (3) applies to the department for confidentiality under these provisions, *with proof of successful completion of the course of traffic safety instruction, within 90 days of committing the offense*; and (4) pays a specified fee.

The bill would require the department to charge a person requesting confidentiality under these provisions a fee in an amount determined by the department to be sufficient to cover its costs in administering these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.11 is added to the Vehicle Code,
2 to read:
3 1808.11. (a) The department shall keep confidential all
4 information regarding a conviction of an offense in ~~a state,~~
5 ~~territory, or possession of the United States, or the District of~~
6 ~~Columbia, the Commonwealth of Puerto Rico, or the Dominion of~~
7 ~~Canada~~ *another state of the United States or the District of*
8 *Columbia* that, if committed in this state, would be a violation of
9 this code, if the person provides proof of successful completion of
10 a course of instruction at a traffic violator school licensed under
11 Chapter 1.5 (commencing with Section 11200) of Division 5 that
12 is satisfactory to the department, or a court-supervised program of
13 traffic safety instruction, and meets all of the following conditions:
14 (1) Within 18 months, has not attended a traffic violator school
15 *in any state or* a court-supervised program of traffic safety
16 instruction in lieu of adjudication of a violation of this code, other
17 than for the ~~violation~~ conviction for which the applicant is seeking
18 confidentiality.

(2) Within 18 months, has not attended a traffic violator school in any state or a court-supervised program of traffic safety instruction in lieu of adjudication of an offense committed in any state, territory, or possession of the United States, or the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada another state of the United State or the District of Columbia that, if committed in this state, would be a violation of this code, other than for the violation conviction for which the applicant is seeking confidentiality.

~~(3) Does not apply for confidentiality for any of the following crimes:~~

~~(A) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.~~

~~(B) An offense that would be a violation of Section 23103, as specified in Section 23103.5, or of Section 23140, 23152, or 23153, or of Section 191.5 of, or of paragraph (3) of subdivision (e) of Section 192 of the Penal Code, if committed in this state.~~

~~(C) A felony in the commission of which a motor vehicle was used.~~

~~(D) Failure to stop and render aid at the scene of a traffic accident for which the person was liable, if the accident resulted in the death of, or bodily injury to, another person.~~

~~(4)~~

(3) Applies to the department for confidentiality under this section and pays the fee imposed under subdivision ~~(b)~~ (d).

(b) A person may apply for confidentiality under subdivision (a) only for an offense that, if committed in this state, would be given no more than a value of one point, as described in subdivision (e) or (f) of Section 12810, and that, if committed in this state in a county that permits successful completion of instruction at a licensed traffic violator school or a court-supervised program of traffic safety instruction in lieu of adjudication, would be an offense for which the court may permit the person to take the instruction in lieu of adjudication.

(c) The application for confidentiality under this section, together with the proof of successful completion of a course of instruction described in subdivision (a), shall be submitted to the department within 90 days of the date the offense was committed in another state of the United States or the District of Columbia.

1 (*d*) The department shall charge a person requesting
2 confidentiality under this section a fee in an amount determined by
3 the department to be sufficient to cover its costs in administering
4 this section.

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